

REMARKS/ARGUMENTS

Applicants canceled claims 7, 19, 26, and 33.

1. Information Disclosure Statement Not Reviewed

On August 24, 2006, Applicants submitted an Information Disclosure Statement (“IDS”). In the Office Action, the Examiner did not indicate that he reviewed the reference cited in this IDS. Applicants request that the Examiner review and indicate the reference cited in the August 24, 2006 IDS as reviewed.

2. Claim Objections

The Examiner objected to claims 27-38 on the grounds that “article of manufacture” should be rewritten as “computer readable storage medium”. (Second Office Action, pg. 2) Applicants note that claim 27 was in fact amended to recite that the “article of manufacture” comprises “at least one of a hardware device having hardware logic and a computer readable storage medium having code”. Applicants submit that this language addresses the concern of the Examiner that the “article of manufacture” can cover transmission signals because claim 27 is amended to recite that the “article of manufacture” comprises at least one of a hardware device and computer readable storage medium, which does not include transmission signals.

Accordingly, Applicants submit that the object should be withdrawn.

3. Allowable Subject Matter

The Examiner found that claims 7, 11, 19, 23, 26, 33, and 37 would be allowed if written in independent form. (Second Office Action, pg. 5)

Applicants amended independent claims 1, 13, 24, and 27 to include the requirements of allowable dependent claims 7, 19, 26, and 33 to place the independent claims in condition for allowance. In amending claim 24 to include the requirements of claim 26, Applicants only added the requirements of claim 26 and not intervening dependent claim 25. By not including the intervening claim 25 in the amended claim 24, Applicants amendment to claim 24 is similar to the amendments made to claims 1, 13, and 27, because the added dependent claims 7, 19, and 33 did not depend from an intervening dependent claims as claim 26.

Applicants further amended allowable dependent claims 11, 23, and 37 to include the requirements of the base claims 1, 13, and 27 to place in condition for allowance.

Applicants submit that dependent claims 2-8, 12, 14-18, 20-22, 25, 28-32, 34-36, and 38 are patentable over the cited art because they depend from one of amended claims 1, 13, 24, and 27, which are patentable over the cited art for the reasons discussed above.

4. Claims 9 and 10 are Patentable Over the Cited Art

The Examiner rejected claims 9 and 10 as anticipated (35 U.S.C. §102) by Bilic (U.S. Patent Pub. No. 2001/0053148). Applicants traverse for the following reasons.

Amended claim 9 recites a method for constructing a packet comprising: receiving a request to construct one packet, including information on at least one header and a payload to include in the packet; generating the at least one header for the received request; writing the generated at least one header in a first queue; requesting the payload to include in the packet; writing the received payload to a second queue; reading the generated at least one header and payload from the first and second queues, wherein writing the at least one header to the first queue, writing the payload to the second queue, and reading the at least one header and payload from the first and second queues are performed in different clock domains; and including the read at least one header and payload in the packet.

Applicants amended claim 9 to include the requirements of base claim 1.

The Examiner cited the steps in FIGs. 3 and 5 for read and write from FIFOs with respect to claim 9. (Second Office Action, pg. 4) Applicants traverse.

With respect to FIG. 3, Bilic mentions that the transmit (TX) processor places headers in header-out FIFO (step 84), reads header from header-out FIFO, reads out data from data FIFO, and generates a packet with the header and data. (paras. 66-68) FIG. 4 shows the header and logic blocks.

Nowhere do the cited FIGs. 3 and 4 disclose the claim requirement that the header is written to the first queue, the payload is written to the second queue, and one header and payload are read from the first and second queues in different clock domains.

Applicants note that claim 9 of Bilic on pg. 6 mentions that that the header memory is accessed in a single clock cycle. Bilic further mentions that the processor can access the data within one or two processor cycles. (paras. 6, 15, 56). Although the cited Bilic mentions that a

processor may read a header in a single clock cycle, there is no disclosure of the claim requirement that a header is written to the first queue, payload written, and the header and payload read in different clock domains.

Accordingly, claim 9 is patentable over the cited art because the requirements of this claim are not disclosed in the cited Bilic.

Claim 10 depends from claim 9 and further recites that the headers are written to the first queue in a first clock domain, payloads are written to the second queue in a second clock domain, and headers and payloads are read from the first and second queues, respectively, in a third clock domain.

The Examiner cited the above discussed FIGs. 3 and 4 of Bilic as disclosing the additional requirements of these claims. (Second Office Action, pg. 4) Applicants traverse.

The cited Bilic mentions transmit logic reading a header in single clock cycle, as well as reading payload and the header and forming a packet. However, the Examiner has not cited any part of Bilic that discloses that headers are written in a first clock domain, payloads written in a second clock domain, and headers and payloads written from the queues to which they are written in a third clock domain.

Accordingly, claim 10 provides additional grounds of patentability over the cited art.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-38 are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 50-0585.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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By: /David Victor/

David W. Victor
Registration No. 39,867
Tel: (310) 553-7977
Fax: 310-556-7984